

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:

EASTERN LIVESTOCK CO., LLC

CASE NO. 10-93904
CHAPTER 11

DEBTOR

**COMBINED NOTICE OF (I) WAIVER AND DISCLAIMER OF CLAIMS TO AND
INTEREST IN ANY REMAINING ESCROW FUNDS AND (II) AMENDMENT OF
PROOFS OF CLAIM**

Come creditors CPC Livestock, LLC; Alton Darnell; East Tennessee Livestock Center, Inc.; Piedmont Livestock Company, Inc.; Southeast Livestock Exchange, LLC; Moseley Cattle Auction, LLC; Alabama Livestock Auction, Inc.; Ashville Stockyard, Inc.; Athens Stockyard, LLC; Stockman Oklahoma Livestock Marketing, Inc.; Brent Kuehny; Glen Franklin; Phillip Taylor Reed; and Michael Wade Loula (collectively, the “Parties”), by counsel, and each being a party in interest in the above-captioned bankruptcy case, hereby give notice that the Parties hereby waive and disclaim any claim to or interest in any funds remaining, if any, held in escrow pursuant to prior orders of this Court regarding contested matters over rights to certain purchase money [Docs 587 and 691] (the “Escrowed Funds”) by the Chapter 11 bankruptcy trustee (the “Trustee”) for the estate of Eastern Livestock Co., LLC (the “Estate”); provided, however, that the Parties’ disclaimer and waiver of their claims to and interests in the Escrowed Funds is in no way meant as a disclaimer or waiver of their rights to any final distributions that may be made by the Trustee to any of them as general unsecured creditors of the Estate pursuant to the confirmed Trustee’s First Amended Chapter 11 Plan of Liquidation [Doc 1644], which rights the Parties hereby expressly preserve and retain. Nor do any of the Parties disclaim or waive, but hereby

expressly preserve and retain, their rights to any distribution of funds that are subject to the related civil forfeiture action styled *United States of America v. Contents of Account in the Name of Eastern Livestock and Thomas P. Gibson held by MF Global Inc., et al.*, Case No. 3:11-cv-233-H, pending in the United States District Court for the Western District of Kentucky, Louisville Division (the “Civil Forfeiture Action”).

In furtherance of their status as general unsecured creditors of the Estate and parties in interest in the Civil Forfeiture Action, each of the Parties hereby gives further notice that each has, on the date hereof, submitted to the BMC Group, Inc. amended proofs of claim reflecting their status as general unsecured creditors of the Estate in amended amounts.

Respectfully submitted,

/s/ Laura Day DelCotto

Laura Day DelCotto, Esq.

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/s/ W. Scott Newbern

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties through the Court's electronic Case Filing System. Parties may access this filing through the Court's System.

/s/ Laura Day DelCotto, Esq.
Laura Day DelCotto, Esq

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